IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

WP(C).No. 31187 of 2006(K)

PETITIONER:

BENOY, S/O.ATHIYARATHU SUDHAKARAN,
ATHIYARATHU HOUSE, KURUVILASSERY,
MUKUNDAPURAM, TRISSUR.

BY ADV. SMT.MUMTAZ SHUMSUDDIN

RESPONDENTS:

1. THE JOINT REGISTRAR (GENERAL),
OFFICE OF THE ASST.REGISTRAR OF CO-OPERATIVE
SOCIETIES, TRICHUR.

2. URBAN CO-OPERATIVE BANK LTD. NO.87,
TRISSUR, REPRESENTED BY THE SECRETARY,
TRISSUR.

3. SPECIAL SALE OFFICER,
OFFICE OF THE ASST.REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), TRICHUR.

4. STATE OF KERALA,
REP.BY THE SECRETARY, DEPT.OF CO.OPERATIVE
SOCIETIES, SECRETARIAT, THIRUVANANTHAPURAM.

BY SENIOR GOVERNMENT PLEADER, SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

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W.P.(C) No. 31187 of 2006 (K)

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Dated this the 24th day of November, 2006

J U D G M E N T

The prayer of the writ petitioner is to quash Exhibit P1 auction sale notice of a property, belonging to the writ petitioner, because of the default of the payment of the amount due to the second respondent, Urban Co-operative Bank, Thrissur, and also to direct the second respondent, to permit the writ petitioner to avail the facilities contained in one time settlement scheme.

2. After hearing the learned counsel for the petitioner and considering Exhibit P2 representation, together with Exhibit P1 auction sale notice, I direct the second respondent to consider Exhibit P2 representation dated 23/10/2006, within two weeks from the date of production of this judgment and pass orders on merit.

3. Till the orders are passed as directed above on Exhibit P2, all proceedings in Exhibit P1 auction sale notice shall be kept in abeyance.

(J.M.JAMES)
Judge

ms